

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS FALCON SUTHERLAND,

Defendant.

CR-18-55-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 31, 2023. (Doc. 54.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 30, 2023. (Doc. 50)

The United States accused Thomas Sutherland, (Sutherland) of violating his conditions of supervised release 1) by consuming alcohol; and 2) by committing another crime on two separate occasions. (Doc. 47.)

At the revocation hearing, Sutherland admitted that he had violated the terms of his supervised release 1) by consuming alcohol; and 2) by committing the crime alleged in violation 3. Sutherland denied alleged violation 2. Judge Johnston dismissed alleged violation 2 on the Government's motion. (Doc. 50.) Judge Johnston found that the violations Sutherland admitted proves serious and warrants revocation of his supervised release and recommends a custodial sentence of time served, with no supervised release to follow. (Doc. 54.) Sutherland was advised of his right to appeal and his right to allocute before the undersigned. He waived those rights. (Doc. 50.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 54) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Thomas Falcon Sutherland be sentenced to the Bureau of Prison for time served, with no supervised release to follow.

DATED this 1st day of June, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United State District Court